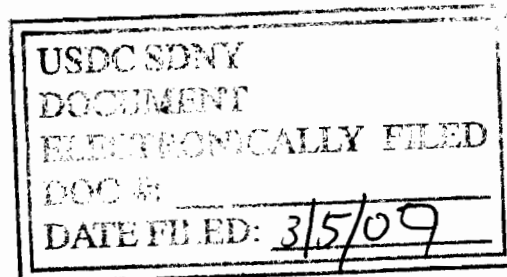


BRADFORD J. BADKE
Jim.badke@ropesgray.com
JEANNE CURTIS
Jeanne.curtis@ropesgray.com
BRIAN P. BIDDINGER
Brian.biddinger@ropesgray.com
ROPES & GRAY LLP
1211 Avenue of the Americas
New York, New York 10036
Tel: (212) 596-9000
Fax: (212) 596-9090



Attorneys for non-party
BAYER HEALTHCARE LLC

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DR. ANTHONY CERAMI,

Plaintiff,

-against-

NOVARTIS AG and NOVARTIS
VACCINES AND DIAGNOSTICS, INC.,

Defendants.

1:07-CV-05634-AKH-DFE

NOTICE OF MOTION

NOTICE OF MOTION BY BAYER HEALTHCARE LLC
FOR AN ORDER SEALING CONFIDENTIAL DOCUMENTS

*Motion denied as premature
in light of induced order
issued this day.
3-3-09
Chick Heller*

PLEASE TAKE NOTICE, that upon the Declaration of attorney Brian P. Biddinger dated March 3, 2009 and exhibits annexed thereto, and upon the accompanying memorandum of law, Bayer Healthcare LLC ("Bayer"), by and through its attorneys Ropes & Gray LLP, hereby moves this Court for an order pursuant to the December 27, 2007 Protective Order, Rule 26(c)(7), Fed. R. Civ. P., and this Court's Individual Practice Rule 4.A., sealing certain documents that Defendants Novartis AG and Novartis Vaccines and Diagnostics, Inc. (collectively "Novartis") intend to file in connection with a motion for summary judgment. The documents to be sealed are numbered as BAYER 1-64, 74-82, and 316-17.

Respectfully submitted,

Dated: March 3, 2009

By: /s/ Jeanne Curtis

BRADFORD J. BADKE
Jim.badke@ropesgray.com
JEANNE CURTIS
Jeanne.curtis@ropesgray.com
BRIAN P. BIDDINGER
Brian.biddinger@ropesgray.com
ROPES & GRAY LLP
1211 Avenue of the Americas
New York, New York 10036
Tel: (212) 596-9000

Attorneys for non-party
BAYER HEALTHCARE LLC